

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA** *ex rel,* )  
Martin Schell, )  
 )  
and )  
 )  
**Martin Schell**, individually, )  
 )  
Relator/Plaintiff, )  
 )  
v. )  
 )  
**BLUEBIRD MEDIA, LLC**, )  
 )  
and )  
 )  
**BLUEBIRD NETWORK, LLC** )  
 )  
Defendants. )

Civil No. 12-4019-CV-C-NKL

**UNDER SEAL**

**THE GOVERNMENT’S NOTICE OF ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court solicit the written consent of the United States before ruling or granting its approval.

Pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be transmitted to counsel for the United States. The United States reserves the right to order any deposition transcripts, to intervene in this action for good cause at a later date, and to seek the dismissal of the realtor's action or claim. The United States also requests that it be served with all notices of appeal.

The Government requests that the relator's Complaint, this Notice, and the Court's Order issued as a result of this Notice be unsealed. The United States requests that all other documents on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. *Cf. United States ex rel. O'Keefe v. McDonnell Douglas Corporation*, 902 F. Supp. 189 (E.D. Mo. 1995).

A proposed order will be submitted.

Respectfully submitted,

David M. Ketchmark  
Acting United States Attorney

By /s/ Thomas M. Larson  
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**ATTORNEYS FOR  
THE UNITED STATES**